

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

July 18, 2017

The Honorable Sarah Netburn, U.S. Magistrate Judge  
United States District Court for the S.D.N.Y.  
Thurgood Marshall U.S. Courthouse, Room 430  
40 Foley Square  
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees (PECs), on behalf of all plaintiffs, and the Defendants' Executive Committee (DEC), on behalf of the defendants currently engaged in discovery, respectfully submit their joint draft Deposition Protocol.

The PECs and DEC have conferred at length concerning the draft Protocol, both in person and on numerous occasions by phone, and exchanged numerous revised drafts during the course of those discussions. As a result of those efforts, we have reached agreement on many key provisions, as reflected in the draft enclosed herewith. We were, however, unable to reach agreement in regards to a handful of issues, including appropriate provisions concerning the selection of the location for depositions and the duration of depositions. For the Court's convenience, we have identified areas of disagreement in red picture boxes within the attached draft, in which we have identified the topic in issue, and provided concise statements of each side's position.

The PECs and DEC respectfully request that the Court schedule an in-person conference to discuss the draft Protocol and hear from the parties on the areas of disagreement, and that the Court set a deadline seven (7) days in advance of that conference for each side to submit points of authority in support of their positions relative to the areas of disagreement. The parties are generally available during the week of August 21st or September 6-8.

The Honorable Sarah Netburn  
July 18 2017  
Page 2

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The PECs and DEC thank Your Honor for the Court's attention to this matter and patience while the parties were negotiating the enclosed draft.

Respectfully submitted,

/s/ Robert T. Haeefe  
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*PLAINTIFFS' EXECUTIVE COMMITTEES*

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PLAINTIFFS' EXECUTIVE COMMITTEES

Enclosure

cc: The Honorable George B. Daniels, via ECF  
Steven Cottreau, Esq., via email and ECF  
Alan Kabat, Esq., via email and ECF  
All Counsel of Record via ECF